

TITLE 16, Division 29. Board for Geologists and Geophysicists

NOTICE IS HEREBY GIVEN that the Board for Geologists and Geophysicists is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2535 Capitol Oaks Drive, Third Floor Conference Room, Sacramento, California 95833 at 10:00 am on July 15, 2005. Written comments must be received by the Board for Geologists and Geophysicists at its office not later than 5:00 p.m. on July 14, 2005 or must be received by the Board for Geologists and Geophysicists at the hearing. The Board for Geologists and Geophysicists, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Current law, section 7800 et seq. of the Business and Professions Code and California Code of Regulations, Title 16, Division 29, sections 3062, 3062.1, 3063 and 3063.1 specify the civil penalty amount that can be assessed as part of a citation.

Authority and Reference: Business and Professions Code section 7818 authorizes the Board to adopt the proposed regulations, which would implement, interpret, or make specific section 125.9 of the Business and Professions Code.

INFORMATIVE DIGEST OVERVIEW

The Board proposes to amend sections 3062, 3062.1, 3063 and 3063.1, Title 16, Division 29 of the California Code of Regulations. These sections specify the circumstances under which penalties may be assessed, the types of penalties that may be assessed, and considerations and processes that must be followed.

Current regulations specify the maximum civil penalty amount that can be assessed to an individual who violates the Geologist and Geophysicists Act. The maximum amount is currently established at \$2,500. This regulatory proposal would increase the maximum amount to \$5,000 when "special circumstances" are met. The additional fine would be assessed between the amounts \$2,501 and \$5,000 depending on the nature of the violation.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

 X The Board has determined that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board for Geologists and Geophysicists has determined that this regulatory proposal will not have

_____ a significant

 X any

impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities: The proposed regulation will result in a maximum \$5,000 fine for violations of the Geologist and Geophysicist Act. The \$5,000 represents an increase of up to \$2,500.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board for Geologists and Geophysicists has determined that the proposed regulations would not affect small businesses. The Board disciplines only individuals, and not small businesses. Therefore, there will be no impact whatsoever on small businesses.

CONSIDERATION OF ALTERNATIVES

The Board for Geologists and Geophysicists must determine that no reasonable alternative which it considered or that has otherwise been identified would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

STATEMENT OF REASONS AND INFORMATION

The Board for Geologists and Geophysicists has prepared a statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board for Geologists and Geophysicists at 2535 Capitol Oaks Drive, Suite 300A, Sacramento, California 95833-2926.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to Paul Sweeney, Executive Officer, at the above address or by telephoning (916) 263-2113.

The backup contact person is DeLesa Swanigan at (916) 263-2113. The person designated to respond to questions on the substance of the regulatory proposal is Paul Sweeney, Executive Officer, (916) 263-2113.

Website Access: Materials regarding this proposal can be found at www.geology.ca.gov.